

REMARKS

This is a full and timely response to the non-final Office Action mailed January 29, 2008. Upon entry of the amendments above, claims 1 – 31 remain pending. The Applicants have amended claims 1, 2, 9, 10, 17, 18, 25, 26 and 28 - 30 as indicated above. The Applicants respectfully request that the application and all pending claims be reconsidered and allowed.

I. Petition for One-Month Extension of Time

Pursuant to 37 C.F.R. § 1.136(a), the Applicants hereby petition for an extension of time of one month, extending the time for responding to the non-final Office Action mailed January 29, 2008 to May 29, 2008. The Applicants submit herewith a Petition for Extension of Time and a credit card payment of \$120.00 for the small entity statutory fee for the one-month extension of time.

II. Objection to the Drawings

The Office Action objects to the drawings as allegedly failing to comply with 37 C.F.R. 1.84(p) because “reference in FIG. 4’s character ‘414’ has been used to designate both ‘Issue Bill for Recovery Account’ and ‘Determine Minimum Payment’ ”. In response, the Applicants submit the accompanying Replacement Sheet for FIG. 4, in which the block diagram component “Determine Minimum Payment” is now identified with reference numeral 416 to be consistent with the specification. Accordingly, the Applicants respectfully submit that the objection to the drawings has been traversed and, therefore, respectfully request that the objection be withdrawn.

III. Rejection Under 35 U.S.C. 101

The Office Action rejects claims 17 - 24 and 30 - 31 as allegedly being directed to non-statutory subject matter. The Office Action argues that these claims are directed to functional descriptive material because the claims do not include a computer-readable medium, but rather are directed to a computer program per se. To support this rejection, the Office Action argues that each of the claim elements reciting “means for” are presumed to invoke 35 U.S.C. 112, sixth paragraph. Without conceding whether these claims should, or should not, be construed under 35 U.S.C. 112, sixth paragraph, the Applicants respectfully submit that even if the claims should be construed under 35 U.S.C. 112, sixth paragraph, the Office Action improperly interprets the recited means as being “an application program”.

When an element in a claim is expressed as a means for performing a specified structure without the recital of structure (which the Office Action alleges is the case for these claims), the claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof. The Office Action fails to consider all of the corresponding structure or material described in the specification when construing these claim elements. The Office Action merely concludes, without a complete and proper analysis, that the recited functions are “part of the applications module (530) described in paragraph [0040] and Figure 5 as being ‘application programs’ ”. In short, the Office Action selects only one of the corresponding structures or materials, namely the application program residing in memory, that are described in the specification, and then apparently concludes that this the only corresponding structure. This is clearly improper and fails to consider the entirety of the specification.

The Applicants respectfully submit that the Office Action fails to consider all of the other corresponding structures and materials described in connection with the recited functions and the various embodiments of the computer system 500 – or any other corresponding structures or materials described in the specification. For at least this reason, the Applicants respectfully submit that the claim interpretation on which the 101 rejection is based is improper and, therefore, for at least this reason the rejection should be withdrawn.

IV. Rejection Under 35 U.S.C. 102

The Office Action rejects claims 1 – 4, 6, 9 – 12, 14, 17 – 20, 22 and 25 – 31 under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0123962 to Bryman *et al.* (“Bryman”). The Applicants have amended each of the rejected independent claims (claims 1, 9, 17, 25, 26 and 28 – 30) as indicated above to clarify certain features of the claims. The Applicants respectfully submit that each of the independent claims are patentable over the cited references because they recite features or elements that are not disclosed, taught, or suggested by the references. For at least this reason, the rejections should be withdrawn and the claims allowed.

Independent claims 1, 9, 17, 25, 26 and 28 – 30 are directed to various systems, methods, and computer systems that include the feature of a recovery credit account having a *single credit account* that comprises a credit balance based on a charged-off credit account balance. The single credit account is not a debt account and, therefore, does not have a debt balance. The value of the opening credit balance is based on the charged-off credit account balance, and the opening credit balance represents the entire debt obligation of the customer because it only comprises a single credit account. None of the charged-off credit account balance is applied to a

debt balance. The claimed recovery account does not allocate a portion of the charged-off credit account balance to a separate debt balance. Unlike the claimed recovery credit account, Bryman merely discloses the two-record type reaffirmation credit account as described in the Background of the present application. Bryman discloses that the reaffirmation credit account comprises **both a credit balance and a corresponding debt balance**. When the reaffirmation credit account is established, the charged-off credit account balance is split between the credit balance and the debt balance. As the customer makes payments to the reaffirmation credit account, the payments are applied to both the credit balance and the debt balance. Therefore, Bryan does not disclose, teach, or suggest a recovery credit account having a single credit account in which there is not a debt balance and the opening credit balance represents the entire debt obligation of the customer.

For at least this reason, the rejection of independent claims 1, 9, 17, 25, 26 and 28 – 30 should be withdrawn and the claims allowed. The rejection of the dependent claims should also be withdrawn and the claims allowed for at least the reason that these claims include all of the elements of the corresponding base claim. Accordingly the Applicants respectfully request that the rejection of claims 1 – 31 be withdrawn and the claims allowed.

CONCLUSION

For at least the reasons set forth above, the Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1 – 31 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are requested. If in the opinion of the Examiner a telephonic conference would expedite examination of this application, the Examiner is invited to call the undersigned attorney at 813-382-9345.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence, including any items indicated as attached or included, is being electronically submitted to the United States Patent & Trademark Office via the Electronic Filing System on the date indicated below.

Date: May 27, 2008

/Adam E. Crall/

Signature